



NOTICE OF INTENT TO OBTAIN CUSTODY

MOTOR VESSEL “PELAGIC ARCHER” WITH EXPIRED WASHINGTON REGISTRATION #WN-4412LB

The Port of Port Townsend (Port) has declared the vessel “Pelagic Archer” with expired Washington Registration #WN-4412LB, a 28’ GLASPLY inboard motor vessel (hull identification number (HIN) GPL85722J586) to be an emergency because it meets the criteria for temporary possession described under RCW 79.100.040(3). The vessel ran aground on the Port-owned beach immediately west of the main breakwater at the Port’s Boat Haven Marina facility in Port Townsend, Jefferson County, Washington on Sunday, January 2, 2022. The Port has taken temporary possession of the vessel and removed it from the Port’s beach in order to prevent it from sinking, breaking up, blocking navigation, or posing a threat to human health and safety or the environment. The vessel is presently located in the long-term storage yard at the Port’s Boat Haven facility in Port Townsend.

The Port, acting as an authorized public entity, now intends to exercise the authority granted under RCW 79.100.040 and take formal and **full custody** of the vessel on **Monday, February 7, 2022 (Custody Date)**. After taking custody, the Port may use or dispose of it without further notice. The owner is responsible for all related costs.

In order to keep the vessel, the owner must take the following actions before the Custody Date:

- Get authorization to store the vessel at the Port Townsend Boat Haven, **or**
- Reclaim the vessel from the Port Townsend Boat Haven (upon payment of all applicable fees and charges related to the Port’s transport and storage thereof), and remove it to an anchorage area, moorage facility, or storage location that authorizes the vessel.

If the owner wants to reclaim the vessel after the Port of Port Townsend has custody or wants to challenge the Port’s decision to take custody, a written appeal must be filed with the Pollution Control Hearings Board (PCHB) and a copy of the appeal also served upon the Port. Addresses are in the boxes below:

Pollution Control Hearings Board (send one original and one copy) Physical address: 1111 Israel Road, Tumwater, WA 98501 Mailing address: PO Box 40903, Olympia, WA 98504-0903	Port of Port Townsend 2701 Jefferson Street P.O. Box 1180 Port Townsend, WA 98368-0980
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Phone: 360-664-9160	
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The appeal must include the following information:

- A copy of this notice or a copy of the notification letter to the authorized agent/owner.
- Your name and address (mailing and legal, if different) and, if applicable, the name and address of your representative.
- A daytime phone number.
- A brief statement why you are appealing.
- A statement of what you want the Pollution Control Hearings Board to do.
- Your signature or that of your representative. This signature certifies that the content of the appeal is true.

See <http://www.eluho.wa.gov/Board/PCHB> or call the PCHB at the number above with appeal questions.

The owner (or authorized agent) may submit the appeal immediately, but the PCHB must receive it no later than **Wednesday, March 9, 2022**. **The owner waives the right to a hearing if the PCHB does not receive an appeal on or before the Appeal Date. The owner is then liable for any costs incurred by the Port of Port Townsend in responding to the vessel.**

These costs may include all administrative costs incurred by the Port of Port Townsend, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. If there is a lawsuit, the successful party may receive reasonable attorneys' fees and costs.

The Port of Port Townsend also may pursue any other remedies available under law. The Port of Port Townsend is taking this action under the authority of Chapter 79.100 RCW. A copy of this law may be found online at <http://apps.leg.wa.gov/RCW/default.aspx?cite=79.100>.

For more information regarding this action, contact me at 360-385-0656 or eric@portofpt.com.